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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE:

PGE CORPORATION

-and-

PACIFIC GAS AND ELECTRIC COMPANY.

Debtors.

Case No. 19-30088 (DM)

CHAPTER 11 (LEAD CASE) (JOINTLY ADMINISTERED)

**CONSOLIDATED EDISON
DEVELOPMENT, INC.'S MOTION
FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL**

1 Consolidated Edison Development, Inc. (“**CED**”), by and through undersigned counsel, files
2 this motion (the “**Motion**”) for entry of an order attached as **Exhibit A** (the “**Proposed Order**”)
3 extending the deadline to file a notice of appeal pursuant to Rules 8002 and 9006 of the Federal Rules
4 of Bankruptcy Procedure (“**Bankruptcy Rules**”). In support of the Motion, CED represents as
5 follows:

6 **JURISDICTION AND VENUE**

- 7 1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b).
8 2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).
9 3. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
10 4. The predicate for the relief requested herein is Bankruptcy Rules 8002 and 9006.

11 **BACKGROUND**

12 5. On May 3, 2021, the Debtors (together with CED, the “**Parties**”) filed the *Reorganized*
13 *Debtors' Objection to Consolidated Edison Development, Inc.'s Amended Cure Payment Claim*
14 *Demand* [Docket No. 10613].

15 6. On May 27, 2021, the Debtors filed the *Stipulation Regarding Scheduling With Respect*
16 *to the Reorganized Debtors' Objection to Consolidated Edison Development, Inc.'s Amended Cure*
17 *Payment Claim Demand* [Docket No. 10721], which was granted on May 28, 2021. *See* Docket No.
18 10730. The Parties stipulated to brief only issues related to *ipso facto* clauses.

19 7. On June 18, 2021, the Debtors filed the *Brief/Memorandum in support of Reorganized*
20 *Debtors' Objection to Consolidated Edison Development, Inc.'s Amended Cure Payment Claim*
21 *Demand* [Docket No. 10827] (the “**Objection**”). CED filed a response to the Objection on July 16,
22 2021 [*see* Docket No. 10948].

23 8. On August 11, 2021, the Court held a hearing on the Objection and took the matter
24 under advisement. On September 8, 2021, the Court issued its *Memorandum Decision Regarding*
25 *Debtors' Objection to Consolidated Edison Development, Inc.'s Amended Cure Payment Demand,*
26 *sustaining the Debtors' Objection* [Docket No. 11204] and entered an order sustaining the Objection
27 that same day [Docket No. 11205].
28

1 **RELIEF REQUESTED**

2 9. Pursuant to Bankruptcy Rules 8002(d) and 9006(b), CED seeks entry of the Proposed
3 Order extending the deadline to file a notice of appeal for a period of 14 days.

4 **BASIS FOR RELIEF**

5 10. Bankruptcy Rule 9006(b)(3) provides that the Court “may enlarge the time for taking
6 action” under Rule 8002 as specified under such rule. Fed. R. Bankr. P. 9006(b)(3). Bankruptcy Rule
7 8002(a)(1) provides that “a notice of appeal must be filed with the bankruptcy clerk within 14 days
8 after the entry of a judgment, order, or decree being appealed.” Fed. R. Bankr. P. 8002(a)(1). The time
9 to file a notice of appeal, however, may be extended upon the filing of a motion within the 14-day
10 appeal period. Fed. R. Bankr. P. 8002(d)(1)(A). Bankruptcy Rule 8002(d)(2) lists six exceptions for
11 which the Court may not grant an extension. *See* Fed. R. Bankr. P. 8002(d)(2)(A)-(F). If an extension
12 of time to file a notice of appeal is granted, such an extension “may [not] exceed 21 days after the time
13 prescribed by this rule, or 14 days after the order granting the motion to extend the time, whichever is
14 later.” Fed. R. Bankr. P. 8002(d)(3).

15 **ARGUMENT**

16 11. As previously noted, the Court entered an order sustaining the Objection on
17 September 8, 2021. The deadline to file a notice of appeal is currently September 22, 2021. Additional
18 time is needed for CED to determine whether an appeal should be filed. CED has conferred with the
19 Debtors and they have consented to the relief requested. None of the exceptions under Bankruptcy
20 Rule 8002(d)(2) apply, and CED submits that the relief requested is in good faith.

21 **NOTICE**

22 12. Notice of this Motion has been given by ECF notification, email, and first-class mail
23 to: (a) the United States Trustee; and (b) the Debtors. CED submits that such notice is sufficient and
24 no other or further notice need be provided.

1 **CONCLUSION**

2 **WHEREFORE**, CED respectfully requests that the Court enter the Proposed Order attached
3 as **Exhibit A**: (a) extending the deadline to file a notice of appeal to October 6, 2021, or fourteen days
4 after the Court rules on this Motion, whichever is later; and (b) granting such other and further relief
5 as the Court deems just and proper.

6 Dated: New York, NY
7 September 20, 2021

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